

FILED

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BOARD OF MASSAGE
AND BODYWORK THERAPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MASSAGE AND BODYWORK
THERAPY

IN THE MATTER OF THE
APPLICATION OF

JESSICA SPELL

FINAL ORDER OF
DENIAL OF LICENSURE

TO PRACTICE MASSAGE AND
BODYWORK THERAPY IN THE
STATE OF NEW JERSEY

This matter was opened to the Board of Massage and Bodywork Therapy ("the Board") upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jessica Spell submitted an application for licensure by the Board.
2. On Ms. Spell's application, she indicated that she had pled guilty to theft and conspiracy to distribute heroin in March of 2013.
3. A criminal history background check revealed three convictions. There was an indictment on January 10, 2011 that resulted in a conviction on March 28, 2014 of theft-illegal retention, resulting in a sentence of three years probation. These charges involved a theft from CVS Pharmacy of unspecified

property. The conviction of March 28, 2014 for conspiracy to distribute heroin/cocaine resulted in a sentence of three years probation. There was also an indictment on February 24, 2014 on charges of theft by deception, which resulted in a conviction on March 28, 2014 of those same charges. The latter charges resulted in three years of probation, to be served concurrently with the probation on the heroin charges. Respondent explained that the theft charges involved receipt of State benefits for her son, to which she was not entitled. The applicant has been making payments to the State towards a total amount due of \$12,784.

CONCLUSIONS OF LAW

1. Ms. Spell's failure to disclose on her application the full extent of her criminal history constitutes deceptive conduct in violation of N.J.S.A. 45:1-21(b).
2. The conduct underlying Ms. Spell's convictions on theft-related charges in 2014 relate adversely to the practice of massage and bodywork therapy and constitute crimes/offenses of moral turpitude within the intendment of N.J.S.A. 45:1-21(f).
3. The conduct underlying the 2014 conspiracy conviction relates adversely to the practice of massage and bodywork therapy within the intendment of N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on March 16, 2015,

provisionally denying Ms. Spell's application for licensure. A copy of the Order was served upon the applicant by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Ms. Spell requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Spell's request for consideration and reasons therefor.

Ms. Spell replied to the Provisional Order, and demonstrated to the Board's satisfaction that she had not been deceptive on her application in her disclosures about her arrest/conviction history. Accordingly, the Board rescinds its finding of a violation of N.J.S.A. 45:1-21(b). Moreover, the Board found that Ms. Spell's explanation of her efforts at rehabilitation were impressive. Ms. Spell maintains that she has been working hard, and has been promoted in her current employment. She further maintains that she had been complying with the conditions of her probation, and has sought in her personal life to avoid associates who might influence her in a negative fashion. The Board does not wish to discourage these efforts, nor her attempts to improve her skills. However, the Board must recognize that there is a theft conviction, and a

conviction for conspiracy to distribute drugs, both of which date from March 28, 2014. Ms. Spell is still on criminal probation, and the Board finds that an insufficient amount of time has passed to establish rehabilitation. Therefore, the Board has determined to deny Ms. Spell's application at this time, although it invites her to apply again after an appropriate interval has passed.

ACCORDINGLY,

IT IS on this 23rd DAY of July, 2015,

ORDERED that:

1. Ms. Spell's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby denied. No subsequent application for licensure will be entertained for a period of two years, dating from the filing of a Final Order in this matter. Upon the submission of any such subsequent application, the applicant shall be required to demonstrate rehabilitation to the satisfaction of the Board.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By:


Cynthia Sinicropi-Philibosian
Chairperson